

DOCKET NO. 2220

**DECLARATION, POWER OF ATTORNEY, AND PETITION
FOR PATENT APPLICATION**

As inventors identified below, we hereby declare that:

Our citizenships, residences, and post office addresses are as stated below beneath our names;

We believe we are the original and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

SEALED INTEGRAL MEMS SWITCH

described and claimed in the accompanying specification.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.

In accordance with Title 37, Code of Federal Regulations, § 1.56(a), we acknowledge our duty to disclose all information known to us which is material to the examination of this application.

We do not know and do not believe that the invention described and claimed in this application was:

Known or used in the United States of America before our invention thereof, or patented or described in a printed publication in any country before our invention thereof; or

Patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the filing date of the present patent application in the United States of America; or

First patented or caused to be patented, or was the subject of an inventor's certificate by us or our legal representative(s) or assign(s) in a foreign country prior to the date of the filing date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing date of the application in the United States of America; or

Described in a patent granted on an application for patent by another filed in the United States of America before the invention thereof by us, or on an international application by another who has fulfilled the requirements of

the first, second, and fourth paragraphs of Title 35, United States Code, § 371(c) before our invention thereof.

We hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
PCT/US2003/024255 WO 2004/013898 A2	PCT	08/04/2003		No

The undersigned hereby appoint Donald E. Schreiber, Post Office Box 2926, Kings Beach, California 96143-2926, Registration No. 29,435, their attorney to prosecute this application for letters patent, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any patent issuing thereon.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001, and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Wherefore, we pray that Letters Patent be granted to us for the invention described and claimed in the accompanying specification and claims, and we hereby subscribe our names to the accompanying specification and claims, and the foregoing declaration, power of attorney, and petition.

1 *W* Gary Joseph Pasby
 Residence: United States
 of America
 Citizenship: United States
 of America
 Residence Address:
 629 Mercado Court
 Milpitas, California *CA*
 95035

2nd Timothy G. Slater
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 300 Lenora Street. No.
 140
 Seattle, Washington
 98121 *WA*

Applicant or Patentee: Gary Joseph Pashby, et al.
 Serial or Patent No. (Unknown)
 Filed or Issued Herewith
 For SEALED INTEGRAL MEMS SWITCH

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
 STATUS (37 CFR 4.9(f) AND 4.27(b)) -- INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 4.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled SEALED INTEGRAL MEMS SWITCH described in

☒ the specification filed herewith
☐ application serial no. _____, titled _____
☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 4.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 4.9(d) or a nonprofit organization under 37 CFR 4.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☐ no such person, concern, or organization
☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 4.27)

FULL NAME Siverta, Inc.
 ADDRESS 3697 Enochs St., Santa Clara, California 95051
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
 ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I hereby acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 4.28 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

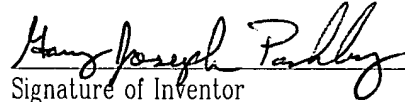
Gary Joseph Pashby

NAME OF INVENTOR

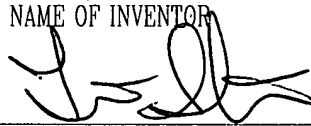
Timothy G. Slater

NAME OF INVENTOR

NAME OF INVENTOR



Signature of Inventor



Signature of Inventor

Signature of Inventor

Jan. 25, 2005

Date

Jan 26, 2005

Date

Date

Applicant or Patentee: Gary Joseph Pashby, et al.
 Serial or Patent No. (Unknown)
 Filed or Issued Herewith
 For SEALED INTEGRAL MEMS SWITCH

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
 STATUS (37 CFR 4.9(f) AND 4.27(c)) --SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Siverta, Inc.
 ADDRESS OF CONCERN 3697 Enochs St.
Santa Clara, California 95051

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 4.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

SEALED INTEGRAL MEMS SWITCH

by inventor(s) Gary Joseph Pashby and Timothy G. Slater
 described in

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 4.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 4.9(d) or a nonprofit organization under 37 CFR 4.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
 (37 CFR 4.27)

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 4.28 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Gary Joseph Pashby
TITLE OF PERSON OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 629 Mercado Court
Milpitas, California 95035

SIGNATURE *Gary Joseph Pashby* DATE Jan. 25, 2005